IN THE HIGH COURT OF BOMBAY AT GOA.

WRIT PETITION NO. 470/2004.

1. Martin Kerr Roberts
son of Harry Roberts
aged 52 years, married, service,
British National.

2. Mrs. Annitte Sylvia Louie Roberts
Wife of Martin Kerr Roberts
aged about 48 years, British Nationals,
Both residing at House No.437,
Almeida Waddo, Parra, Bardez, Goa.
duly represented by their lawful attorney
Mr. Gregory Marcus Pacheco,
Aged about 33 years, R/o. Almeida Waddo,
Parra, Bardez, Goa. ..... Petitioners.

V/s.

1. Macario Antonio Francis de Cunha,
aged 55 years, retired from service,

2. Mrs. Santana de Cunha
Wife of Macario A.F. de Cunha aged
About 53 years, housewife,
Both R/o. Sales Waddo,
Parra, Bardez, Goa. ..... Respondents.

Mr. Valmiki Menezes, Advocate for the petitioners.

Mr. D. Pangam, Advocate for the respondents

CORAM : R.M. LODHA, J.

DATE : 25TH AUGUST, 2005.

ORAL JUDGMENT :

Heard Mr. Valimiki Menezes, the learned Counsel for the petitioners and Mr. D. Pangam, the learned Counsel for the respondents.

2. Rule, returnable forthwith. Rule is heard finally at this stage.

3. For the selfsame reasons stated in the order passed by me today in Writ Petition No.469/2004, this writ petition is also allowed.

4. The impugned Order is set aside. The application for condonation of delay stands allowed. The appeal Court is directed to hear the appeal on merits. Rule is, accordingly, made absolute. No costs.

R.M. LODHA, J.

Ssm.